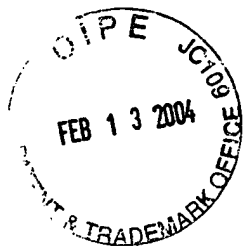


02-17-04



CERTIFICATE UNDER 37 CFR § 1.10 OF MAILING BY "EXPRESS MAIL"

EV 398889935 US

February 13, 2004

USPS Express Mail Label Number

Date of Deposit

I hereby certify that this correspondence is being deposited with the United States Postal Services "Express Mail Post Office to Addressee" service under 37 CFR § 1.10 on the date indicated above and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

By: Gina Simon

PATENT

Customer No. 22,852

Attorney Docket No. 07414.0075-00000

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of: )  
Ernest FRIEDLANDER et al. ) Group Art Unit: Not yet assigned  
Application No.: 10/693,609 ) Examiner: Not yet assigned  
Filed: October 23, 2003 )  
For: METHODS AND COMPOSITION )  
FOR DETECTING TARGETS )

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97(b)**

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(b), Applicants bring to the attention of the Examiner the documents listed on the attached Form PTO 1449. This Information Disclosure Statement is being filed, to the undersigned's knowledge, before the mailing date of a first Office Action on the merits for the above-referenced application.

According to a notice published in the Official Gazette on August 5, 2003, the U.S. Patent and Trademark Office waives the requirement under 37 C.F.R. 1.98(a)(2)(i) for submitting a copy of each cited U.S. patent and each U.S. patent application

FINNEGAN  
HENDERSON  
FARABOW  
GARRETT &  
DUNNER LLP

1300 I Street, NW  
Washington, DC 20005  
202.408.4000  
Fax 202.408.4400  
www.finnegan.com

publication for all U.S. national patent applications filed after June 30, 2003. Accordingly, copies of the U.S. patents listed on the attached Form PTO 1449 are not enclosed.

Copies of the remaining documents listed on the attached Form PTO 1449 are enclosed. One of the documents, JP 05 252998 A, is not in English. "If a complete translation of the information into English is submitted with the non-English language information, no concise explanation is required [under 37 C.F.R. § 1.98(a)(3)]." (See MPEP §609 III.A(3), second paragraph.) Applicants enclose a complete English language translation of this document.

Applicants respectfully request that the Examiner consider the listed documents and indicate that they were considered by making appropriate notations on the attached form.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that each or all of the listed documents are material or constitute "prior art." If the Examiner applies any of the documents as prior art against any claim in the application and Applicants determine that the cited documents do not constitute "prior art" under United States law, Applicants reserve the right to present to the office the relevant facts and law regarding the appropriate status of such documents.

Applicants further reserve the right to take appropriate action to establish the patentability of the claimed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

FINNEGAN  
HENDERSON  
FARABOW  
GARRETT &  
DUNNER LLP

1300 I Street, NW  
Washington, DC 20005  
202.408.4000  
Fax 202.408.4400  
www.finnegan.com

If there is any fee due in connection with the filing of this Statement, please charge the fee to our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.

Dated: February 13, 2004

By: *Danielle Pasqualone*  
Danielle M. Pasqualone  
Reg. No. 43,847

FINNEGAN  
HENDERSON  
FARABOW  
GARRETT &  
DUNNER LLP

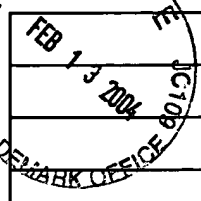
1300 I Street, NW  
Washington, DC 20005  
202.408.4000  
Fax 202.408.4400  
www.finnegan.com



**INFORMATION DISCLOSURE CITATION**  
(Use several sheets if necessary)

Atty. Docket No. 7414.0075-00000				Serial No. 10/693,609			
Applicant Ernest Friedlander et al.							
Filing Date October 23, 2003				Group: Not Yet Assigned			
<b>U.S PATENT DOCUMENTS</b>							
Examiner Initial*		Document Number	Date	Name	Class	Sub Class	Filing Date If Appropriate
		4,373,071	Feb. 8, 1983	Itakura			
		4,401,796	Aug. 30, 1983	Itakura			
		4,415,732	Nov. 15, 1983	Caruthers et al.			
		4,458,066	July 3, 1984	Caruthers et al.			
		4,500,707	Feb. 19, 1985	Caruthers et al.			
		4,668,777	May 26, 1987	Caruthers et al.			
		4,835,263	May 30, 1989	Nguyen et al.			
		4,914,210	Apr. 3, 1990	Levenson et al.			
		4,973,679	Nov. 27, 1990	Caruthers et al.			
		5,034,506	July 23, 1991	Summerton et al.			
		5,047,524	Sept. 10, 1991	Andrus et al.			
		5,132,418	July 21, 1992	Caruthers et al.			
		5,153,319	Oct. 6, 1992	Caruthers et al.			
		5,185,243	Feb. 9, 1993	Ullman et al.			
		5,234,809	Aug. 10, 1993	Boom et al.			
		5,262,530	Nov. 16, 1993	Andrus et al.			
		5,391,480	Feb. 21, 1995	Davis et al.			
		5,415,839	May 16, 1995	Zaun et al.			
		5,432,272	July 11, 1995	Benner			
		5,436,327	July 25, 1995	Southern et al.			
		5,470,705	Nov. 28, 1995	Grossman et al.			
		5,476,930	Dec. 19, 1995	Letsinger et al.			
		5,494,810	Feb. 27, 1996	Barany et al.			
		5,514,543	May 7, 1996	Grossman et al.			
		5,552,028	Sept. 3, 1996	Madabhushi et al.			
		5,573,907	Nov. 12, 1996	Carrino et al.			

Atty. Docket No.	7414.0075.00000	Serial No.	10/693,609
Applicant	Ernest Friedlander et al.		
Filing Date	October 23, 2003	Group	Not Yet Assigned

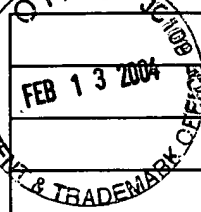


	5,580,732	Dec. 3, 1996	Grossman et al.			
	5,593,840	Jan. 14, 1997	Bhatnagar et al.			
	5,624,800	Apr. 29, 1997	Grossman et al.			
	5,631,134	May 20, 1997	Cantor			
	5,744,305	Apr. 28, 1998	Fodor et al.			
	5,777,096	July 7, 1998	Grossman et al.			
	5,789,206	Aug. 4, 1998	Tavtigian et al.			
	5,800,994	Sept. 1, 1998	Martinelli et al.			
	5,801,155	Sept. 1, 1998	Kutyavin et al.			
	5,807,522	Sept. 15, 1998	Brown et al.			
	5,807,682	Sept. 15, 1998	Grossman et al.			
	5,876,924	Mar. 2, 1999	Zhang et al.			
	5,912,148	June 15, 1999	Eggerding			
	5,981,176	Nov. 9, 1999	Wallace			
	6,023,540	Feb. 8, 2000	Walt			
	6,025,136	Feb. 15, 2000	Drmanac			
	6,027,889	Feb. 22, 2000	Barany et al.			
	6,130,073	Oct. 10, 2000	Eggerding			
	6,140,054	Oct. 31, 2000	Wittwer et al.			
	6,180,349 B1	Jan. 30, 2001	Ginzinger et al.			
	6,280,935 B1	Aug. 28, 2001	Macevicz			
	6,312,929 B1	Nov. 6, 2001	McMillan			
	6,403,319 B1	June 11, 2002	Lizardi et al.			

#### FOREIGN PATENT DOCUMENTS

	Document Number	Date	Country	Class	Sub Class	Translation Yes or No
	EP 0 799 897 A1	Oct. 8, 1997	EP			
	EP 0 320 308 B1	Nov. 3, 1993	EP			
	EP 0 439 182 B1	Apr. 24, 1996	EP			
	GB 2 312 747 A	Nov. 5, 1997	GB			
	JP 05 252998 A	Oct. 5, 1993	JP			Yes
	WO 90/01069	Feb. 8, 1990	PCT			

Atty. Docket No.	7414.0075.00000	Serial No.	10/693,609
Applicant	Ernest Friedlander et al.		
Filing Date	October 23, 2003	Group	Not Yet Assigned

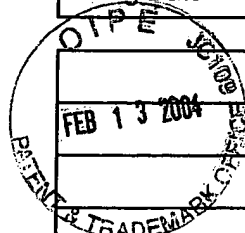


	WO 93/25563	Dec. 23, 1993	PCT			
	WO 94/21824	Sept. 29, 1994	PCT			
	WO 94/24143	Oct. 27, 1994	PCT			
	WO 95/35390	Dec. 28, 1995	PCT			
	WO 96/15271	May 23, 1996	PCT			
	WO 96/41011	Dec. 19, 1996	PCT			
	WO 97/19193	May 29, 1997	PCT			
	WO 97/31256	Aug. 28, 1997	PCT			
	WO 97/45559	Dec. 04, 1997	PCT			
	WO 98/04746	Feb. 5, 1998	PCT			
	WO 98/14610	Apr. 9, 1998	PCT			
	WO 98/37230	Aug. 27, 1998	PCT			
	WO 99/66076	Dec. 23, 1999	PCT			
	WO 01/61033 A2	Aug. 23, 2001	PCT			
	WO 01/61033 A3	Mar. 28, 2002	PCT			
	WO 01/92579 A2	Dec. 6, 2001	PCT			

**OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)**

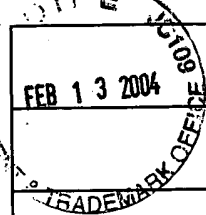
	Agrawal, 1994, Protocols for Polynucleotides and Analogs, Humana Press.
	Ahern, 1995, The Scientist, 9:1-5.
	Ashley and Kushlan, 1991, Biochemistry, 30:2927-2933.
	Barany, 1991, Proc. Nat'l Acad. Sci. USA, 88:189-193.
	Beaucage et al., 2000, Current Protocols in Nucleic Acid Chemistry, John Wiley & Sons, NY.
	Boffa et al., 1995, PNAS, 92:1901-1905.
	Bowtell, 1999, Nature Genetics, 21(Supp):25-32.
	Brown and Botstein, 1999, Nature Genetics, 21(Supp):33-37.
	Cheung et al., 1999, Nature Genetics, 21(Supp):15-19.
	Chu and Orgel, 1988, Nucleic Acids Res., 16:3671-3691.
	Current Protocols in Molecular Biology, 2000 and supplements, John Wiley & Sons, Inc.
	Dieffenbach and Dveksler, 1995, PCR Primer, A Laboratory Manual, Cold Spring Harbor Press, 1995.
	Dueholm et al., 1994, J. Org. Chem, 59:5767-5773.
	Egholm et al., 1992, J. Am. Chem. Soc., 114:1895-1897.

Atty. Docket No.	7414.0075.00000	Serial No.	10/693,609
Applicant	Ernest Friedlander et al.		
Filing Date	October 23, 2003	Group	Not Yet Assigned



	Ehrlich et al., 1991, Science, 252:1643-1650.
	Englisch and Gauss, 1991, Angew. Chem. Int. Ed. Engl., 30:613-629.
	Favis et al., 2000, Nature Biotechnology, 18:561-564.
	Fields and Noble, 1990, Int. J. Peptide Protein Res., 35:161-214.
	Geada et al., 2000, Forensic Sci. Int. 108:31-37.
	Grossman and Colburn, eds., 1992, Capillary Electrophoresis: Theory and Practice, Academic Press.
	Grossman et al., 1994, Nucleic Acid Res., 22(21):4527-4534.
	Gryaznov and Letsinger, 1993, Nucleic Acid Res., 21:1403-1408.
	Gryaznov et al., 1994, Nucleic Acid Res., 22: 2366-2369.
	Guzaev et al., 1995, Tetrahedron, 51:9375-9384.
	Halminen et al., 1999, Cytokine, 11(1):87-93.
	Hermanson, 1996, Bioconjugate Techniques, Academic Press, San Diego, CA.
	Hsuih et al., 1996, J. Clin. Microbiol. 34:501-507.
	Hubert and Slater, 1995, Electrophoresis, 16:2137-2142.
	Innis et al., 1990, PCR Protocols: A Guide to Methods and Applications, Academic Press, NY.
	Kanaya and Yanagawa, 1986, Biochemistry, 25:7423-7430.
	Kornberg and Baker, 1992, DNA Replication, 2 <sup>nd</sup> Ed, Freeman, New York.
	Koshkin et al., 1998, Tetrahedron 54:3607-3630.
	Kricka, 1992, Nonisotopic DNA Probe Techniques, Academic Press, San Diego, CA.
	Kwok et al., 1990, Nucl. Acid Res., 18:999-1005.
	Landegren et al., 1996, Methods: A Companion to Methods in Enzymology, 9:84-90.
	Little et al., 1967, J. Biol. Chem., 242:672-678.
	Liu and Taylor, 1998, Nucleic Acids Res., 26:3300-3304.
	Lizardi et al., 1998, Nature Genet., 19:225-232.
	Luebke and Dervan, 1992, Nucleic Acids Res., 20:3005-3009.
	Mayer et al., 1994, Analytical Chemistry, 66(10):1777-1780.
	Miller et al., 1988, Nucleic Acids Res., 16(3):1215.
	Myakishev et al., 2001, Genome Research, 11:163-169.
	Naylor and Gilham, 1966, Biochemistry, 5:2722-2728.
	Nielsen et al., 1991, Science, 254:1497-1500.
	Novagen Strandase™ Kit, product insert.

Atty. Docket No.	7414.0075.00000	Serial No.	10/693,609
Applicant	Ernest Friedlander et al.		
Filing Date	October 23, 2003	Group	Not Yet Assigned

	PCT International Search Report for International Application No. PCT/US01/17329, mailed Jan. 14, 2003.
	PCT International Search Report for International Application No. PCT/US02/33801, mailed Apr. 8, 2003.
	PCT International Search Report for International Application No. PCT/US02/38623, mailed Aug. 13, 2003.
	Purmal et al., 1992, Nucleic Acids Res., 20:3713-3719.
	Rabenau et al., 2000, Infection 28:97-102.
	Sambrook et al., 1989, Molecular Cloning, A Laboratory Manual, Cold Spring Harbor Press.
	Sievers and von Kiedrowski, 1994, Nature, 369:221-224.
	Scheit, 1980, Nucleotide Analogs, John Wiley & Sons, New York.
	Sokolova et al., 1988, FEBS Letters 232:153-155.
	Sommer et al., 1989, Nucleic Acids Res., 17(16):6749.
	Stirchak et al., 1987, J. Organic Chem., 52:4202-4206.
	Walsh et al., 1991, Biotechniques, 10(4):506-513.
	Vinayak, et al., 1997, Nucleosides & Nucleotides, 16:1653-1656.
	Wang and Kool, 1994, Nucleic Acids Res., 22:2326-2333.
	Wang et al., 1998, Science 280:1077-1082.
	Whitcombe et al., 1998, Clinical Chemistry, 44(5):918-923.
Wittung et al., 1997, Biochemistry, 36:7973-7979.	
www.the-scientist.com/yr1998/jan/profile1_980105.html.	
Xu and Kool, 1999, Nucleic Acid Res., 27:875-881.	
Xu et al., 1997, Tetrahedron Lett., 38:5595-5598.	

Examiner	Date Considered
*Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.	
Form PTO 1449	Patent and Trademark Office - U.S. Department of Commerce